

KATE McKENNA, AICP
Executive Officer

**MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**

Adopted on February 23, 2009

*An audio recording of this meeting is available at the LAFCO office. Please contact us
at (831) 754-5838 to arrange a time to listen or to order a copy.*

Regular Meeting

Monday, January 26, 2009, 4:00 p.m.

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order, by Chair Donohue at 4:08 p.m. in the Monterey County Board of Supervisors Chambers. Chair Donohue led the Pledge of Allegiance.

ROLL CALL

Members Present

Commissioner Donohue, Chair (*City Member*)

Commissioner Salinas, Vice-Chair (*County Member*)

Commissioner Calcagno (*County Member*)

Commissioner Champion (*Special District Member*)

Commissioner Darington, Alternate (*Public Member*)

Commissioner DiMaggio (*Public Member*)

Commissioner Gourley, Alternate (*City Member*)

Commissioner Moore, Alternate (*Special District Member*) – First Meeting on LAFCO

Commissioner Perkins (*Special District Member*)

Commissioner Rubio (*City Member*)

Members Not Present, Presence Not Required

Commissioner Armenta, Alternate (*County Member*)

Staff Present

Kate McKenna, AICP, Executive Officer

Thom McCue, AICP, Senior Analyst

Leslie Girard, LAFCO General Counsel

Richard Egger, LAFCO Special Counsel – Via Telephone for Closed Session Item

Rachelle Jones, LAFCO Clerk

Item 4 Special Business

4.a Oath of Office for Re-Appointment of City Member (Alternate) Commissioner Matt Gourley (Administered by Chair Donohue)

Newly elected Alternate City Member on LAFCO, Matt Gourley, was administered the Oath of Office by Chair Donohue. Commissioner Gourley swore to abide by the oath. His term will expire in May of 2012.

4.b Consideration of a Resolution Declaring the December 19, 2008 Election Results for an Alternate Independent Special District Member on LAFCO.

Executive Officer McKenna provided report.

There was no public or Commission comment for this item.

Commissioner Action

Upon Motion of Commissioner Rubio, seconded by Commissioner Calcagno, Resolution Declaring the December 19, 2008 Election Results for an Alternate Independent Special District Member (Tom Moore) on LAFCO for a Term Ending in May of 2012, was unanimously approved.

4.c Oath of Office for Special District (Alternate) Commissioner Thomas Moore for a Term Ending in May of 2012 (Administered by Commissioner Calcagno)

Newly elected Alternate Special District Member on LAFCO, Tom Moore, was administered the Oath of Office by Commissioner Calcagno. Commissioner Moore swore to abide by the oath. His term will expire in May of 2012

Item 5: Minutes

5.a Accept Draft Meeting Notes of November 24, 2008 Budget and Finance Committee Meeting.

5.b Consider and Approve Draft Minutes of November 25, 2008 Special LAFCO Meeting.

5.c Consider and Approve Draft Minutes of December 1, 2008 Regular LAFCO Meeting.

5.d Accept Draft Meeting Notes of January 6, 2009 Executive Officer Performance Evaluation Committee Meeting.

Executive Officer announced that a change would be made to exclude a duplicate name from the list of speakers on the November 25, 2008 Special LAFCO meeting.

Commission requested that changes be made to the Draft Minutes of December 1, 2008 Regular LAFCO meeting including adding an addendum to the minutes of the printed Commissioner Comments as well as an expansion of the comments provided by the Commission in the minutes.

There was no public comment for this item.

Upon Motion of Commissioner Rubio, seconded by Commissioner DiMaggio, Items 5.a, b and d: Draft Meeting Notes of November 24, 2008 Budget and Finance Committee Meeting, Draft Minutes of November 25, 2008 Special LAFCO Meeting with change to eliminate duplicate name on list of speakers, and Draft Meeting Notes of January 6, 2009 Executive Officer Performance Evaluation Committee Meeting, were approved, while Item 5.c - Draft Minutes of December 1, 2008 Regular LAFCO Meeting was requested to be brought back to the next regular LAFCO meeting to be held on February 23, 2009 with changes requested by Commission, by the following vote:

AYES: Commissioners Rubio, DiMaggio, Calcagno, Champion, Donohue, Perkins,
and Salinas
NOES: None
ABSTAIN: None
ABSENT: None

Item 6: Public Comment:

Roy Kaminski of Carmel Valley spoke in opposition to the Incorporation of the Town Carmel Valley. Hans Jongens spoke about the state of the economy and discourage development on agricultural land. Bill Carrothers of Salinas commented on the state of the local and national economy.

Item 7: Commissioner Comment:

None

Item 8 (a-d): Consent Agenda:

Commissioner DiMaggio pulled Item 8.d - Authorize Comments on the Draft Environmental Impact Report for the Miravale Phase III Specific Plan (City of Soledad) from consent for further discussion.

Upon Motion of Commissioner Salinas, seconded by Commissioner Rubio, Consent Agenda Items (a-c): Register of Checks Paid in November and December 2008, Legislation Status Report, and List of Anticipated Future Agenda Items, were unanimously accepted.

There was no public comment for item 8.d, pulled from consent.

Commissioner Comment and Action

Commission discussed Item 8.d – Authorize Comments on the Draft Environmental Impact Report for the Miravale Phase III Specific Plan (City of Soledad). Commissioner DiMaggio stated that he had several concerns about the Specific Plan and that the letter coming from LAFCO should have been more comprehensive. Commissioner Calcagno stated that the Commissioners should have had opportunity to craft the letter and that the City's draft environmental impact report is premature because the City has not yet consulted with the County. Commissioner Rubio stated that the Commission is only discussing the draft environmental impact report, not the LAFCO proposal, and the City is not present to represent their

environmental document. Commissioner Salinas stated that the Executive Officer's December 15 letter covered items that are within LAFCO's purview and jurisdiction, but that the City should take advantage of early consultation with both the County and LAFCO. Commissioner Perkins emphasized the need for determining which roads would be included in any annexation. Commissioner Darrington suggested that staff research if there is a need to detach areas annexed to a city from the Resource Conservation District.

Commissioner Salinas moved that a letter be sent to the City affirming the December 15 comments, outlining additional comments from today's meeting, and stating that the Commission may want to send someone to make further comments before the City Council. Motion was seconded by Commissioner Rubio.

Responding to an inquiry, Counsel Girard stated that one thing that could be done is for the Commission to direct the Executive Officer to write a letter affirming the comments previously provided, state that LAFCO is concerned with the timing of the proceedings given the necessity of City/County negotiations, and state that LAFCO may have additional comments on the draft environmental impact report at an appropriate time.

Commissioner Salinas agreed to amend his motion to include Counsel's comments; Commissioner Rubio concurred.

Commissioner Calcagno asked if legal counsel could work with staff and present a corrected version of the letter to the Commission at its next meeting so that it can be reviewed.

Counsel Girard stated that he would be happy to work with staff on the letter, but that he would urge that the letter be sent as soon as possible because we don't know when the City will take further proceedings with respect to the EIR. Perhaps the direction should be for staff to determine the timeline for the project and, if time allows, to return next month with the draft letter for Commission review and possible approval.

Commissioner DiMaggio suggested that the motion include direction for the letter to be reviewed by the Sphere of Influence and Annexation Committee. Commissioner Rubio, who seconded the motion on the floor, stated that the addition of Counsel's language to the motion and the letter were adequate and that he would not accept this amendment which would involve the Annexation and Sphere of Influence Committee. Commissioner Salinas, the maker of the motion, concurred.

Chair Donohue called the question on the motion on the floor.

Upon Motion of Commissioner Salinas, seconded by Commissioner Rubio, the December 15, 2008 comments on the Draft Environmental Impact Report for the Miravale Phase III Specific Plan (City of Soledad) were affirmed, with direction provided to staff to work with Counsel Girard on preparing an additional letter incorporating Counsel's comments, was approved by the following vote:

AYES: Commissioners Salinas, Rubio, Champion, Donohue, and Perkins
NOES: Commissioner Calcagno and DiMaggio
ABSTAIN: None
ABSENT: None

Item 9: Public Hearings

9.a Consideration of any Protests relating to the Approved “Seven Areas Annexation” Involving an Update of the Sphere of Influence and Annexation to Salinas Rural Fire Protection District of Approximately 15,531 Acres. (LAFCO File 08-05) The Seven Areas Are:

- i. Unincorporated Fort Ord Area (Approximately 8,128.2 Acres) Consisting of the Majority of the Unincorporated Portion of Fort Ord, Including Approximately 448 Acres Within the California State University at Monterey Bay;**
- ii. Olmsted Road Area (Approximately 77.6 Acres) Southeast of the Intersection of Highway 68 and Olmsted Road;**
- iii. Panziera Area (Approximately 704.7 Acres) Immediately North of the Intersection of Reservation Road and Inter-Garrison Road and Across Reservation Road from the New East Garrison Development;**
- iv. Jefferson Ranch Area (Approximately 169.4 Acres) North of the Marina Municipal Airport;**
- v. Upper Calera Canyon and Underwood Road Area (approximately 4,928.6 acres) at the End of the Calera Canyon Road, South of Corral de Tierra Road, and Southeast of Corral de Tierra Road and Adjacent to Underwood Road;**
- vi. Upper Limekiln Road Area (approximately 1,254.6 acres) at the End of Limekiln Road, Southwest of Chualar, Along River Road; and**
- vii. Jacks Road Area (approximately 267.9 acres) North of Jacks Road and Northwest of Iverson Road and Adjacent to the Handley Ranch Quarry (East of Chualar).**

Senior Analyst McCue provided staff report.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Rubio, seconded by Commissioner Calcagno, Conducting Authority Resolution, ordering the “Seven Areas Annexation” Involving an Update of the Salinas Rural Fire Protection District Sphere of Influence and Annexation of Approximately 10,604 Acres and the Annexation of Approximately 4,929 Acres Within the Existing Salinas Rural Fire Protection District Sphere of Influence (Total Acreage is 15,532) (LAFCO File No. 08-05), was unanimously adopted.

9.b Consideration of the Proposed “San Jerardo Housing Cooperative” Sphere of Influence Update and Annexation of Approximately 37.64 Acres to the Boronda County Sanitation District and Monterey Regional County Sanitation District, and Activation of the Latent Power of the Boronda County Sanitation District to Provide Potable Water Service. The Annexation Area is Comprised of Two Noncontiguous Parcels: APN 149-031-023 (A 67-Unit Residential Community on 32.63 Acres, Located at 1401 Old Stage Road, Six Miles Southeast of the City of Salinas) and APN 107-051-011 (A

Proposed Well Site That is Part of a Five Acre Parcel Located at 225 Zabala Road, Two Miles Northwest of the San Jerardo Cooperative). The Two Parcels will be Connected by a New 11,500 Linear Foot Water Pipeline. Also Proposed is an Emergency Connection with the Existing Foothill Estates Water Well Site Located Adjacent to the San Jerardo Well Site at 225 Zabala Road. (APN 107-031-014) (LAFCO File 08-06)

Senior Analyst McCue provided staff report.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Salinas, seconded by Commissioner Calcagno, Resolution, Approving Annexation of Approximately 37.64 Acres to the Boronda County Sanitation District and Monterey Regional County Sanitation District, and Activation of the Latent Power of the Boronda County Sanitation District to Provide Potable Water Service, Comprised of Two Noncontiguous Parcels: APN 149-031-023 (A 67-Unit Residential Community on 32.63 Acres, Located at 1401 Old Stage Road, Six Miles Southeast of the City of Salinas) and APN 107-051-011 (A Proposed Well Site That is Part of a Five Acre Parcel Located at 225 Zabala Road, Two Miles Northwest of the San Jerardo Cooperative), Connected by a New 11,500 Linear Foot Water Pipeline, and an Emergency Connection with the Existing Foothill Estates Water Well Site Located Adjacent to the San Jerardo Well Site at 225 Zabala Road. (APN 107-031-014) (LAFCO File 08-06), was unanimously adopted.

10.c Consideration of the Proposed Carmel Area Wastewater District - Carmel Highlands Sphere of Influence Update and Annexation” of Three Discontiguous Parcels, to Include Keig (APN 241-073-001/approximately 0.6 acres); O’Boyle (APN 241-071-002/Approximately 0.7 Acres); and Tydings (APN 241-182-006/ Approximately 0.8 acres). The Parcels Front Highway 1 in the Carmel Highlands Area Between Fern Canyon Road and Highlands Drive. These Parcels would Connect to the Existing Wastewater Line in Highway 1 and the District’s Wastewater Treatment Plant. (LAFCO File 08-07)

Senior Analyst McCue provided staff report.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Calcagno, seconded by Commissioner Rubio, Resolution, Approving Carmel Area Wastewater District - Carmel Highlands Sphere of Influence Update and Annexation, of Three Discontiguous Parcels, to Include Keig (APN 241-073-001/approximately 0.6 acres); O’Boyle (APN 241-071-002/Approximately 0.7 Acres); and Tydings (APN 241-182-006/ Approximately 0.8 acres), Connecting these Parcels to the Existing Wastewater Line in Highway 1 and the District’s Wastewater Treatment Plant. (LAFCO File 08-07), was unanimously adopted.

Item 10: New Business

10.a Ratify LAFCO Chair's Committee Assignments for 2009.

Executive Officer McKenna provided staff report.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Salinas, seconded by Commissioner DiMaggio, LAFCO Chair Donohue's 2009 Committee Assignments were unanimously ratified.

10.b Consider Revisions to Executive Officer's Performance Appraisal Program.

Executive Officer McKenna provided staff report.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Rubio, seconded by Commissioner Perkins, staff direction was provided to review additional suggestions for Revisions to Executive Officer's Performance Appraisal program at a subsequent Executive Officer Performance Evaluation Subcommittee meeting to be arranged.

10.c Consider Mid-Year Review and Amendments to Fiscal Year 2008-09 Work Program.

Executive Officer McKenna provided staff report. Commissioner DiMaggio requested that an item be added to the work program regarding creating an Ag-buffer zone policy.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner DiMaggio, seconded by Commissioner Salinas, Mid-Year Review and Amendments to Fiscal Year 2008-09 Work Program with addition of beginning evaluation with the LAFCO Policies Subcommittee to create a LAFCO Ag-buffer zone policy, was adopted by the following vote:

AYES: Commissioners DiMaggio, Salinas, Calcagno Champion, Donohue, Perkins and Rubio

NOES: None

ABSTAIN: None

ABSENT: None

Item 11: Executive Officer's Report

Executive Officer McKenna had no additional items to report.

Item 12: Correspondence

One item was included under correspondence in the agenda packet: November 24, 2008 Letter to Executive Officer from Carmel Valley Fire Protection District Re: Participation on Fire Services Panel. An additional item of correspondence was distributed at the meeting: January 7, 2009 Letter to Executive Officer McKenna from Salinas Valley Memorial Healthcare District Re: Active Role in LAFCO Meetings.

Item 13: Closed Session

a. Pursuant to Government Code Section 54956.9 (b) – Significant Exposure to Litigation.

The Commission will Confer with Counsel Regarding One Matter Involving a Significant Exposure to Litigation.

The meeting was called into closed session by Chair Donohue.

Chair Donohue reopened the meeting from closed session with no reportable action.

Item 14: Adjournment

On motion of Chair Donohue, there being no objection, the meeting was unanimously adjourned at 6:57 p.m. to the next Regular LAFCO Meeting to be held on Monday, February 23, 2009 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk